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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

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13 OSRAM SYLVANIA, INC.,)
14 Plaintiff,) CASE NO. CV 09-8748-R
15 vs.)
16 AMERICAN INDUCTION)
TECHNOLOGIES, INC.,)
17 Defendant.)
18 _____)

19 This Court having considered and granted plaintiff and counterclaim-defendant Osram Sylvania,
20 Inc.'s ("OSI") Motion for Judgment on Partial Findings pursuant to Federal Rule of Civil Procedure
21 52(c) that no inequitable conduct occurred during prosecution of U.S. Patent No. 5,834,905 following a
22 bench trial from September 20-22, 2011, and having considered the testimony, both live and by
23 deposition, the documentary evidence, the arguments of counsel, and the applicable law including
24 *Therasense v. Becton Dickinson and Co.*, 649 F.3d 1276 (Fed. Cir. 2011) (en banc), and having so
25 considered and reviewed and for the reasons as set forth in the Court's Findings of Fact and Conclusions
26 of Law on Inequitable Conduct, and good cause appearing,

27 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that

28 1. No inequitable conduct occurred during prosecution of U.S. Patent No. 5,834,905;

- 1 2. U.S. Patent No. 5,834,905 is not unenforceable due to inequitable conduct;
- 2 3. The clerk shall enter judgment in favor of plaintiff and counterclaim-defendant OSI, and
- 3 against defendant and counterclaim-plaintiff American Induction Technologies, Inc.,
- 4 ("AITI") on AITI's Third Claim for Relief for patent unenforceability due to inequitable
- 5 conduct as set forth in Docket No. 56-2.
- 6 4. AITI's Third Claim for Relief is hereby dismissed with prejudice and AITI shall take nothing
- 7 thereby.

8 DATED: October 28, 2011.



MANUEL L. REAL
UNITED STATES DISTRICT JUDGE